

1 MR. THOMPSON: Long time without pay.
 2 THE WITNESS: Still that way.
 3 Q What about the residential work that Stamp
 4 Crete was doing, did that continue during this
 5 time period that the Pezza people were on the
 6 Stamp Crete payroll?
 7 A I think so. Pretty sure.
 8 Q What kind of concrete work were -- was Stamp
 9 Crete doing, was it doing that stamped
 10 concrete?
 11 A Exactly. Those two employees would not show up
 12 on a Teamster report.
 13 Q No, I understand that you said they weren't
 14 members of a union either.
 15 A Exactly.
 16 Q How many people would have been on the
 17 Stamped-Concrete payroll during this time
 18 period, when you moved them from Pezza to Stamp
 19 Crete, how many employees were --
 20 A Totally.
 21 Q Yeah.
 22 A I don't know.
 23 Q The operating engineers would have been the

1 same, the laborers would be the same?
 2 A Right, the office people.
 3 Q Office people, everybody?
 4 A Yeah.
 5 Q All right. There are two receiverships filed.
 6 A Yes.
 7 Q Can you just -- let's start with C. Pezza, tell
 8 me what happened. What led to their
 9 receivership being filed?
 10 A What led to it?
 11 Q Yes.
 12 A When they found out how many dollars we owed
 13 the U.S. government in payroll taxes, that was
 14 the key.
 15 Q So payroll taxes were not paid?
 16 A No.
 17 Q And why was that?
 18 A Correct, they were not paid.
 19 Q Why was that?
 20 A Why was that? They didn't have no money. They
 21 used that, I guess, they just didn't have the
 22 money. They had the money to make the payroll,
 23 didn't have the money to pay the taxes.

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1 Q When you say "they," who are you referring to?
 2 A Well, the crew that worked for C. Pezza. C.
 3 Pezza was still operating as a company, except
 4 for the people that had to be under Workers'
 5 Comp, but they still worked for C. Pezza. They
 6 were doing all C. Pezza work.
 7 Q And who was responsible for making those
 8 payroll tax payments?
 9 A C. Pezza.
 10 Q Who at C. Pezza?
 11 A Richard Villanova, he was the office man. He
 12 was the guy doing the payroll.
 13 Q Were you aware that the payroll taxes --
 14 A I wasn't aware until it got to be a mess, and
 15 then I was aware when it got to be really a
 16 disaster.
 17 Q Were you not actively working for C. Pezza at
 18 this point?
 19 A Yeah, but I never got involved with office
 20 work. I was -- in C. Pezza I was the outside
 21 guy. I controlled all the outside work. I
 22 never got involved with any office work at all.
 23 I had enough people in there that I felt as

1 though were professionals.
 2 Q And they were professionals but they weren't
 3 owners of the company?
 4 A They weren't owners, no.
 5 Q So can you explain what happened that caused
 6 all of these financial problems such that the
 7 payroll taxes weren't paid?
 8 A Well, we had, we had a big job at the Home
 9 Depot in North Kingston that didn't pay us.
 10 Q Why was that?
 11 A Um, there was a big extra -- and rather than
 12 get into the whole detail that would take me
 13 two hours, it was an extra that they refused to
 14 pay. So I put a lien on the property.
 15 And when I put a lien on the property,
 16 Home Depot had to sue them in Georgia. And by
 17 the time I, little old Lenny Pezza goes to
 18 Georgia, you know what was going to happen
 19 there, and I had to come up with a hundred
 20 grand.
 21 So we put the lien on the property, and
 22 they didn't really want to pay me anymore. So
 23 they were holding out moneys from me and my

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1 the receivership?
 2 A Just the building.
 3 Q They -- C. Pezza owned the building?
 4 A No, C. Pezza didn't even own the building. The
 5 only thing C. Pezza had was -- nothing, they
 6 owned nothing really, to speak of. They had a
 7 lot of bills, had a lot of problems, but they
 8 didn't own a thing. I owned the building. But
 9 I had to give the building up to pay the bank
 10 off and the bonding company.
 11 Q Because you had signed personal guarantees on
 12 the bonds, is that why?
 13 A Yeah, right. I had a personal guarantee on the
 14 bond. Oh, sure.
 15 Q So Pezza Equipment owned the equipment, and you
 16 and your wife, either as individuals or through
 17 this LCP Corporation, owned the property --
 18 A Right.
 19 Q -- and C. Pezza got the jobs. And until,
 20 whenever it was, May of '02, had the people?
 21 A Exactly.
 22 Q Okay. So when the people got moved over to
 23 Stamp Crete, was really not much left of C.

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1 A Okay. September and August, right, of '03.
 2 Q But you think that May 2002 date is too early?
 3 A That don't sound right to me because '02 was
 4 when I had a meeting with the Teamsters. Was
 5 just around Christmastime because I was going
 6 to Florida, and they said you got to sign an
 7 agreement. That was just around the end of
 8 '02.
 9 I said, well, I'm going to Florida, we'll
 10 sign an agreement, and I'll make some payments
 11 to you people for what I owe you. I'll get
 12 them squared away in the beginning of '03, you
 13 know, I was going to make the monthly payments.
 14 January, February, March, I was going to make
 15 XXX.
 16 Q I think that your attorney was negotiating with
 17 me at that point, but you may have been
 18 negotiating with Joe Bairos on the health
 19 insurance, were you?
 20 A Yeah, I was. I was talking to him too. But
 21 I'm sure it was like the end of '02. And
 22 that's why I don't understand how that stuff
 23 got signed way in the middle of '02. I

1 Pezza?
 2 A Right. Really. Yeah.
 3 Q Is that right?
 4 A Yeah. But they still had the obligation to
 5 give me money for the payroll because I didn't
 6 have the money for the payroll. Stamp Crete
 7 never generated any money to speak of. They
 8 had to get the money over to me.
 9 Q C. Pezza signed the contract?
 10 A Yeah, they signed the contract, right. The
 11 money was coming through, as it was moving
 12 along, it was coming through.
 13 Q How long did the situation go on where Stamp
 14 Crete was really -- took over the payroll of C.
 15 Pezza?
 16 A Um, from -- wasn't that long. I think it was
 17 just probably the portion of '03.
 18 Q Well, I just saw that those documents were
 19 signed in May of '02, and --
 20 A That's what I don't understand --
 21 Q -- Exhibit No. 12 goes through --
 22 A That's December '03.
 23 Q Well, it's for August and September of '03.

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1 remember because I was going to Florida. Maybe
 2 it was November. I was going to be going to
 3 Florida in January. I said, I'm going to be
 4 going to Florida, but they're going to have
 5 orders to give you some checks January,
 6 February, March. And then in April I'll start
 7 doing some work and I can probably clean you up
 8 by May. But that all didn't happen. I got a
 9 couple checks out, and that was it. Couldn't
 10 get any more checks out.
 11 Q You're talking about '03?
 12 A '03.
 13 Q That's when things fell apart?
 14 A Yeah, they started falling apart.
 15 Q Did Stamp Crete continue to operate after C.
 16 Pezza filed for receivership or was placed in
 17 receivership?
 18 A Yes, Stamp Crete continued to operate, yes.
 19 Q And until when, until what period?
 20 A I think it was -- when did you say they filed,
 21 in June of '04?
 22 MR. THOMPSON: Earlier we looked at the
 23 appointment of receiver as June of '04, but we

1 don't know from that --
 2 A It probably operated up until close to that
 3 time, maybe up -- maybe because it don't do
 4 anything January, February, March.
 5 Q Okay. So '03 not '04?
 6 A This is '03. So don't do anything January,
 7 February, and March. But Pezza, whatever Pezza
 8 had to do, it still had to go through them.
 9 But Pezza went into receivership in '03? Yeah,
 10 Pezza went into receivership I believe in
 11 August of '03.
 12 Q I'm sorry --
 13 A It wasn't '04 at all. It wasn't '04. Pezza
 14 was in receivership in '03.
 15 Q Stamp Crete continued for some period after
 16 that, is that what you're saying?
 17 A Yeah, they -- then they were operating on their
 18 own little thing.
 19 Q And that is operating with this payroll of
 20 Teamsters or operating --
 21 A Well, whoever was still on the payroll. But if
 22 Pezza went into receivership -- in bankruptcy,
 23 I keep saying receivership, but bankruptcy --

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1 they went into -- Stamp Crete took over the
 2 payroll, and they were starting to have a
 3 problem with Stamp Crete with the payroll taxes
 4 until I found out, and that's when I said
 5 that's going to be it.
 6 Q So Stamp Crete also had problems with payroll
 7 taxes?
 8 A Because of payroll taxes, exactly. And it was
 9 just carrying over. In other words, they
 10 weren't paying it, and then it started -- the
 11 same thing was happening, because actually the
 12 Pezza people were making all the stuff out and
 13 had to give Stamp Crete the money to make the
 14 payroll. And little did I know that they were
 15 giving just enough money to give them the
 16 payroll. And that's the same problem was
 17 happening all over again until it got up to
 18 like a hundred grand, and I said, that's it.
 19 That's it.
 20 Q Who are those people?
 21 A People in Pezza's office.
 22 Q Who are they?
 23 A Well, Richard Villanova and everybody else is

1 Q It is a receivership, actually.
 2 A It was a receivership, yeah, it was.
 3 Q Yeah.
 4 A If they went in in '03, they had payroll up
 5 until the time they went in that had to get
 6 paid.
 7 Q So this Workers' Compensation problem
 8 happened --
 9 A September, this had to be the last.
 10 Q The Workers' Compensation issue happened before
 11 Pezza went into receivership?
 12 A Oh, yeah. Oh, yeah. Oh, yeah.
 13 Q Okay.
 14 A That -- I wasn't even thinking about closing it
 15 until I found out about all the problems going
 16 on, but that was -- and I had to switch it
 17 over. I think if I knew the problems then, I
 18 wouldn't have switched it over. I would just
 19 have said that's it.
 20 Q And what happened that made you file or did a
 21 creditor file for receivership for Stamp Crete?
 22 A Stamp Crete. Okay. Here it is. When Pezza
 23 had a problem with the payroll taxes, okay,

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1 in there. Fred Santagater and all the
 2 people -- well, Fred had left at the time.
 3 Fred, I think, was out of there just about that
 4 time. And then there was this new guy Norman.
 5 Q They were keeping it from you that the company
 6 didn't have enough money?
 7 A See, what happened, they never said anything.
 8 My company, everybody was afraid to talk to me
 9 because I used to have a short fuse anyways, so
 10 they were always afraid and they never say
 11 anything to you. And then, of course, when I
 12 knew a big check was coming in, because I knew
 13 when the money was coming in, I'd say, okay,
 14 you got to pay this, you got to pay this, you
 15 got to give the Teamsters some money, then you
 16 got to give the operating engineer some money.
 17 And I would just spiel names off, and they
 18 would write them all down. I forget about the
 19 payroll taxes, wouldn't even give it a thought.
 20 They never mentioned it to me, I never gave it
 21 a thought. They should have said to me, oh,
 22 you've got payroll taxes to take care of. They
 23 never said nothing until it started getting out

1 of hand with Pezza, and then the same thing was
 2 happening here.
 3 Q Were these same people who were doing Pezza
 4 payroll also doing Stamp Crete payroll?
 5 A Yeah, same thing, never changed. They did
 6 In-house payroll.
 7 Q Were there two different bank accounts?
 8 A Oh, yeah. They were separate, yeah.
 9 Q Were they both with Citizens?
 10 A I think -- no, I think, Pezza was always with
 11 Citizens, but I think Stamp Crete was with
 12 Fleet, I think.
 13 Q Now, was Stamp Crete still operating out of the
 14 trailer?
 15 A Yes.
 16 Q The same phone number as C. Pezza and Son on
 17 these 2004 annual reports?
 18 A Stamp Crete had its own phone number, but when
 19 they started, they started using 6014, so
 20 within the flyers that they had made up, that
 21 number was always there plus their own number.
 22 And so they just kept using the same number and
 23 their own number.

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1 A Yeah.
 2 Q What was handed over to the receiver, what did
 3 the receiver do in both of these receiverships?
 4 A What did he do?
 5 Q Um-hum, yes.
 6 A He got a list of people that were owed money.
 7 Q And has he been collecting the receivables?
 8 A There was no receivables at Stamp Crete to
 9 collect. There was none in Stamp Crete to
 10 collect.
 11 Q Just payables?
 12 A Just payables.
 13 Q And primarily the payroll taxes?
 14 A Payroll taxes.
 15 Q Was the Stamped-Concrete business continuing
 16 during this time?
 17 A It had slowed right down because it was getting
 18 to be towards the end of the year, and it just
 19 slowed down. It's not a big operation, anyway,
 20 to start with.
 21 Q Did the receiver get any money for C. Pezza,
 22 was he able to --
 23 A To get any money for C. Pezza?

1 Q They had a separate number?
 2 A They had a separate number, but they still used
 3 a Pezza number too. And they just kept it
 4 until I had to get rid of it. I just cut it
 5 off and got rid of it.
 6 Q Okay. Where are the payroll records, the
 7 general ledgers, the tax returns of Stamp
 8 Crete?
 9 A They're in boxes with everything else.
 10 Q You have them?
 11 A Yeah, they're in the trailer. They're in a big
 12 box trailer.
 13 Q And C. Pezza's financial records are somewhere
 14 else?
 15 A No, they're probably in the same place.
 16 Q And is this the same trailer on that property?
 17 A Yeah. Well, no, these are box trailers, you
 18 know, the box trailers you see go up and down
 19 the highway?
 20 Q Yeah.
 21 A That's what they're in. The trailer I'm
 22 talking about is an office trailer.
 23 Q Are they both on that 54 Irons --

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1 Q Yeah. For -- did he collect any of the
 2 receivables?
 3 A For C. Pezza?
 4 Q Yes.
 5 A Oh, yeah. Any money that came in for C. Pezza
 6 went to him.
 7 Q Do you know how much he has collected?
 8 A We're trying to get -- Tom Plunkett has been
 9 trying to get a total on what's going on, but
 10 we just can't seem to get it. We don't know
 11 where we stand.
 12 Q Who is actually doing the collection of the
 13 receivables? Is it the receiver or Tom
 14 Plunkett?
 15 A No, it's the receiver.
 16 Q Tom Plunkett is just --
 17 A Tom, I told him, you got to find out what's
 18 going on, what's happening. I just want an
 19 accounting of what took place.
 20 Q So you're not getting an accounting either?
 21 A No. I don't want to say too much about lawyers
 22 but --
 23 MR. THOMPSON: You can say nice things

1 about present company.
2 A Things seem to fly out the window and stuff,
3 especially if you leave it too long. But they
4 want to go after Home Depot now. And, you
5 know, I'm kind of reluctant about them going to
6 Home Depot because I want to know where we
7 stand. I don't want them going to Home Depot
8 if they have got a couple of bucks of my money
9 and spend that up and say we lost the case.
10 Q Have any payments been made to any creditors by
11 the receiver?
12 A You know, I don't know. I have a very close
13 friend of mine that is owed 3,000 bucks. I'm
14 trying to get him paid. He keeps calling me up
15 monthly and keeps telling me it never came.
16 And I told him, if you got any money, just pay
17 this guy, please. I mean, he is a personal
18 friend of mine. 3,000 bucks. Not a big deal.
19 But, you know, pay him. If you don't have it,
20 tell him you don't have it. They don't say
21 that either.
22 Q All right. Tell me about Stamped-Concrete.
23 MR. THOMPSON: Inc.

1 Q Is that Inc.? Stamped-Concrete, Inc., when was
2 that company started?
3 A That started -- I don't know. You tell me,
4 it's over here.
5 Q I'm not sure it's on the annual report.
6 A Maybe it's not over here. Stamped-Concrete.
7 File date, 3/1/04. Is that the first date? I
8 thought it started -- I thought it started
9 August of '03.
10 Q Who started it? Who was -- who incorporated
11 the company?
12 A I did.
13 Q Is it still operating?
14 A Yes, it is, but I'm not part of it.
15 Q You started it in August of '03?
16 A I think it was August or September.
17 Q Where is it located?
18 A Well, it's located at my house right now.
19 Q Was it at some point located at 54 Irons?
20 A Yes, it started.
21 Q Before that --
22 A It started around that time and stayed there
23 for most of '04, and then I got out of it.

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1 Q What kind of business was Stamped-Concrete --
2 sorry, that's right, Stamped-Concrete?
3 A Yeah, it does residential work. Strictly
4 residential.
5 Q Has it purchased cement?
6 A No, purchased concrete.
7 Q Concrete. Does it do excavation work --
8 A No.
9 Q -- where the concrete is to be poured?
10 A No.
11 Q Does it do site excavation?
12 A No.
13 Q Does it sell concrete?
14 A No.
15 Q Install concrete surfaces?
16 A Yes.
17 Q Does it sell lawn ornaments?
18 A No.
19 Q Sorry, you're listed in the phone book as
20 selling lawn ornaments.
21 A Oh, it does? Is that right, in the phone book?
22 Q Well, on the Internet there's a SuperPages put
23 out by Verizon and that's one of the

1 categories.
2 A Oh, no kidding. Great. Guess we should get
3 some, huh?
4 Q Does it install driveways and sidewalks?
5 A Concrete.
6 Q Concrete. Stamped concrete?
7 A Yeah.
8 Q And is it a paving contractor?
9 A No.
10 Q How was the work that Stamped-Concrete's doing,
11 you know, was incorporated to do was different
12 than what Stamp Crete was doing?
13 A Well, Stamp Crete was doing it's own excavation
14 and everything, but Stamped-Concrete doesn't.
15 Homeowner has to have it ready. And the only
16 thing they go in and form it and stamp it,
17 color it. And they don't do any regular
18 concrete where Stamp Crete did regular
19 concrete.
20 Q Oh, it did?
21 A It did. Meaning, it didn't have to be stamped.
22 Q Okay. This is only stamped?
23 A That's it.

1 Q Is there some company that makes the stamped
 2 concrete? I saw that there are many vendors of
 3 stamped concrete.
 4 A Oh, they make the pattern that you use to stamp
 5 it.
 6 Q So you buy that from --
 7 A You have to buy it from a company, yeah.
 8 Q The colors as well?
 9 A Yes.
 10 Q Was Stamp Crete doing that same kind of
 11 stamping of the concrete?
 12 A Yeah, they did that also, yes.
 13 Q How many employees does Stamped-Concrete have?
 14 A Three.
 15 Q Who are they?
 16 A Oh, one is a salesman, and I'm sorry, four.
 17 Three installers and one salesman.
 18 Q Who are the installers, do you know?
 19 A Yeah, they're just workers.
 20 Q Are they the same people that were working for
 21 Stamp Crete?
 22 A No, no, no, nope.
 23 Q Who's the salesman?

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1 Q Is there a sales agreement?
 2 A Oh, yes.
 3 Q Now, you said Michael was an operating
 4 engineer --
 5 A Yes.
 6 Q -- and he was working for C. Pezza?
 7 A Well, he used to work for C. Pezza, then he
 8 left C. Pezza when it closed and went to work
 9 for Fleet Construction. You must be familiar
 10 with that name.
 11 Q Unfortunately, I'm also familiar with that
 12 name.
 13 A And he worked with Fleet up until January..
 14 Q And is that when the sale took place?
 15 A Yeah, right after that.
 16 Q And you have a written agreement?
 17 A Oh, yes.
 18 Q He is the sole shareholder?
 19 A Yes. Him and his wife.
 20 Q And his wife's name is?
 21 A Lynn.
 22 Q Lynn Pezza?
 23 A Lynn Pezza.

1 A Steve Libutti.
 2 Q What about your daughters, are they still
 3 involved?
 4 A No, they're not involved.
 5 Q Who is the owner of the shares of
 6 Stamped-Concrete?
 7 A Michael Pezza.
 8 Q Is that from the beginning, or is that changed
 9 since the company was initially formed?
 10 A That changed.
 11 Q Who was initially the owner of the company?
 12 A I took it over and started it again under
 13 Stamped-Concrete.
 14 Q So when the shares were issued, they were just
 15 issued in your name?
 16 A Yeah, then I issued them to -- I sold them to
 17 Michael.
 18 Q When did you sell them to Michael?
 19 A This year.
 20 Q Did he pay you?
 21 A Did he pay me?
 22 Q Yes.
 23 A Not yet. But he will.

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1 Q And it's operating out of your house?
 2 A Yeah, because he lives in North Smithfield, and
 3 so I have an office in my house and I put the
 4 desk there.
 5 Q That's January of 2005 the sale took place?
 6 A Yes. Actually February.
 7 Q February. What are the revenues of
 8 Stamped-Concrete?
 9 A What are they?
 10 Q Yes. I mean, from -- I assume you may not know
 11 from January of the sale.
 12 A Well, there's no revenue yet this year, just
 13 started because, you know, the weather has been
 14 tough. So -- I don't really know what the
 15 sales are going to be.
 16 Q How did it go the first year?
 17 A The first year, not very well. Not very good.
 18 Q More than 100?
 19 A Oh, no, no. Oh, no. Probably about 100. No,
 20 didn't do very well at all.
 21 Q Why is that, do you think?
 22 A Help don't show up; who comes in, disaster.
 23 Cement finishers are tough people. They like

1 to get paid daily. So they drink at night.
 2 Terrible people.
 3 Q Okay. Did the same installers that worked for
 4 you last year, are they working for your son
 5 this year?
 6 A No.
 7 Q He has different people?
 8 A Different people.
 9 Q Is this the only job your son has is this
 10 company?
 11 A That's it. Going to give it a try and see how
 12 he does. If he can't make it, he is just going
 13 to close it.
 14 Q So really Stamped-Concrete just continued the
 15 concrete part of Stamp Crete's business?
 16 A No, actually Stamp Crete was really -- didn't
 17 do any business really towards the end, and it
 18 was just phasing out. And I tried to get it
 19 going again, you know, tried to see if I could
 20 generate some money out of it. But I had to
 21 put money into that, too, myself personally.
 22 Q And what money did you put -- what did you get
 23 for the money that you invested, what

1 equipment, what assets?
 2 A I didn't get any assets. I didn't get anything
 3 because the stamps were worn out. They didn't
 4 have any vehicles. They were using Pezza
 5 vehicles at the time, renting them. Pezza
 6 closed up so they didn't have any vehicles.
 7 That's why I kind of tapered down, I didn't
 8 want to start buying trucks because I didn't
 9 know which way we were going to go. They had
 10 the color, the color you use it as you go
 11 along. You don't buy color in advance. So
 12 there really wasn't anything except it owed me
 13 a lot of money. It owed me a lot of money.
 14 Q How much?
 15 A Because Stamp Crete, I had to pay the payroll
 16 taxes. I had it pay it myself. I was stuck
 17 with it.
 18 Q So do you have a claim in the receivership?
 19 A Yes, I do. Yes, I do.
 20 Q And then you formed Stamped-Concrete, you had
 21 to purchase what in order to make the business
 22 run?
 23 A I had to purchase some -- I rented stamps. I

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1 rented some stamps because I didn't really want
 2 to buy them because I didn't know what it was
 3 going to do. And I bought color as I needed
 4 it. If I needed 20, 30 palls of color for the
 5 job, I bought 20, 30 palls of color for that
 6 job. And that was it. I didn't do many jobs.
 7 I did probably seven, eight jobs and that's all
 8 I did, and this year came to an end. Last year
 9 came to an end. And so now I told Michael if
 10 he wanted to do it, go ahead and try it, you
 11 know.
 12 Q How much did you sell the business for, to your
 13 son?
 14 A Well, he owes me the money that I put into it.
 15 Q Right.
 16 A Not the payroll taxes. He don't owe me any
 17 payroll taxes. That was Stamp Crete. So he
 18 owed me some money I put into this thing. And
 19 he is going to have to pay me after a year. I
 20 gave him a year to pay me.
 21 Q How much?
 22 A Well, I figured he is going to owe me about 25,
 23 30 grand.

1 Q Altogether?
 2 A Altogether, yeah. But that's money I put into
 3 the company. It's on the books. So I'm not
 4 looking for it now, but I'd kind of like to get
 5 it if he makes a go of it.
 6 Q Does he currently have any other equipment or
 7 vehicles, Stamped-Concrete?
 8 A He bought a couple of vehicles. He bought a
 9 couple of vehicles, and that's what he is using
 10 right now.
 11 Q What did you use when you were running --
 12 A I didn't use anything. I used my son, my other
 13 son's got a pickup truck and I used that to do
 14 a couple, two or three jobs because we were
 15 going to shut it down. I was going to shut
 16 that down, too, because it wasn't doing it.
 17 Q When you pour the concrete, is there some kind
 18 of equipment that you need in order to make the
 19 concrete?
 20 A No, the concrete comes all mixed in the truck.
 21 You buy that from a vendor, somebody else. You
 22 just call, tell them what you need, they ship
 23 it to you. They pour it down, so you need

1 rakes, shovels. \$100 worth of tools you got
2 them all.
3 Q And the stamps?
4 A And the stamps. You rent the stamps. You can
5 rent the stamps by the day. The stamps are
6 expensive when they're new. They wear out and
7 they get soft and fragile and they don't stamp
8 properly after three years or so.
9 Q What are they made of?
10 A They're made of hard rubber.
11 Q Were the -- were there any customers of Stamp
12 Crete that were also customers of
13 Stamped-Concrete?
14 A No, cause customers, individual one job, that's
15 all they are. You know, an individual person
16 like you, you'd want a driveway or sidewalk and
17 it's done, it's done. You don't have accounts
18 where you keep going back now.
19 Q What was the geographic area that Stamp Crete
20 was doing this kind of --
21 A Basically, Rhode Island.
22 Q How about Stamped-Concrete?
23 A Well, they're advertising in the book now, the

1 new book. Mass., parts of Massachusetts, you
2 know, see if they can branch out a little bit,
3 if he can get it.
4 Q Have they ever done any work in Massachusetts?
5 A Years ago. Years ago, Stamp Crete did some
6 work in Massachusetts.
7 Q Who is doing the books for Stamped-Concrete?
8 A Michael's wife, she is an accountant.
9 Q Did they have the same phone number as Stamp
10 Crete?
11 A Yes. No. No, no, no. Yeah, they do. Yeah,
12 they do. They have the same number because all
13 the pamphlets were made up and the home shows
14 and everything were the same number. So they
15 had to, you have to keep letting that number
16 follow you or else you're out of business.
17 Q Was that the C. Pezza number?
18 A No, that C. Pezza number is gone. It's a
19 different number entirely.
20 Q It's just been gone since you filed these
21 annual reports? I think they all have the same
22 number, I could be wrong.
23 A No.

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1 Q No, this one, I see, Stamped-Concrete, has
2 231-2033.
3 A 7033.
4 Q 7033. Okay.
5 A Yes. 7033.
6 Q Okay. I'm just going to take a look at my
7 notes for a minute and see if I have any other
8 questions.
9 A Okay. You want all these papers back?
10 (Recess taken.)
11 Q Okay. Just a couple more questions.
12 Was the accountant who was doing the -- do
13 you have an outside accountant for C. Pezza, or
14 just the person who was employed by the
15 company?
16 A Inside.
17 Q And did that person prepare the tax returns?
18 A Yes.
19 Q Did that person prepare the tax returns for
20 Stamp Crete as well?
21 A No. Oh, Stamp Crete?
22 Q Stamp Crete.
23 A No. No. Caplan & Moran did that.

1 Q What about Stamped-Concrete, did you file a tax
2 return?
3 A The -- no, I had hired a guy on a two-day week
4 at the time, and he was gathering the
5 information and he filed it. In fact, I
6 haven't seen him so.
7 Q Do you know who it was?
8 A Oh, God.
9 Q Let me put it this way, do you have the tax
10 returns that he filed?
11 A Do I have them?
12 Q Yes.
13 A Not yet. He probably took an extension, if
14 they don't have them.
15 Q You signed them, though?
16 A I didn't sign anything.
17 Q Not even an extension?
18 A I think I did sign the extension, yeah. I was
19 in Florida when I signed the extension.
20 Q You're expecting him to finish?
21 A Yeah, I thought he was going to be all done by
22 April 15th, but I guess he didn't. He never
23 called me and I never seen anything.

1 Q Who will pay him?
 2 A Well, somebody's got to pay him. Me or my son.
 3 Somebody going to have to pay him. Won't be
 4 much money, anyway.
 5 Q There's a company that I found called IRA
 6 Environmental Specialists, Inc. Are you
 7 famillar with that?
 8 A Oh, yeah, that's years ago.
 9 Q What was that?
 10 A It was an environmental company but never did
 11 anything. It was formed but it never --
 12 Q Never operated?
 13 A No. Never operated.
 14 Q What about C & L Ready Mix Concrete, Inc.?
 15 A What about it?
 16 Q Is that a company that you've been involved in?
 17 A Years ago. Years ago.
 18 Q And when you say "years ago," what do you mean,
 19 how long ago?
 20 A Oh, God, that was when Pezza went out of
 21 business. I just closed it.
 22 Q Where was it?
 23 A It wasn't a big thing. It was a little

1 U-Haul-type concrete. You came down with a
 2 little trailer. We had the little trailers,
 3 you mix a yard of concrete in it and they take
 4 it home. Homeowners.
 5 Q Where was it located?
 6 A It was located at 100 Irons Avenue, but it's
 7 gone.
 8 Q And did you incorporate that? Were you the
 9 owner of that company?
 10 A My father and I.
 11 Q Is your father still alive?
 12 A No, he is gone.
 13 Q So the company's been out of business since
 14 when?
 15 A Oh, probably went out of business in '02. Oh,
 16 wait a minute. No. Went out of business in
 17 '97. No, '99, I think it was.
 18 Q What makes you say '99?
 19 A My father died around that time. It was only a
 20 little, about 25 grand a year. So it was
 21 nothing to get excited about.
 22 Q And this LCP Corp., that's a company that holds
 23 real estate?

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1 A Yes.
 2 Q Does that still exist?
 3 A Yes.
 4 Q And what real estate does it currently own?
 5 A It owns land. Land. Barren land.
 6 Q Where is the land?
 7 A In Rhode Island.
 8 Q Did it own the land that was sold to the town?
 9 A I think it did. I think. Some of it -- some
 10 of my properties went under LCP Corp. and some
 11 of them didn't and stayed under me and my
 12 wife's name, but I don't remember that one.
 13 Q Where is the land that it has now? Where in
 14 Rhode Island, what town?
 15 A Oh, I have land in North Smithfield. I got rid
 16 of a lot of it. North Smithfield is probably
 17 the only place I have left, Smithfield. North
 18 Smithfield and Smithfield, that's it.
 19 Q When I looked up the company, it sounded more
 20 like it was managing real estate. But that's
 21 not the case, just owns --
 22 A Well, probably when we set it up we set it up
 23 with a big group, you know what I mean? I

1 could do anything I want with it. Because I
 2 did have the building, had to have the building
 3 under it. Had to have the building under it.
 4 Q When you were being pressed for these from the
 5 bonding companies and the line of credit you
 6 had signed them personally, is that why you
 7 liquidated the assets of the LC, LCP?
 8 A Oh, yeah. Oh, yes.
 9 Q Did LCP have any employees?
 10 A No. No.
 11 Q So the only property that is left, you think,
 12 is North Smithfield and Smithfield?
 13 A Yes. Barren land. That's all.
 14 MS. CAMPBELL: Okay. That's it.
 15 MR. THOMPSON: I have nothing.
 16 (Whereupon this deposition concluded
 17 at 12:20 p.m.)
 18
 19
 20
 21
 22
 23

C E R T I F I C A T E

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

I, Alice M.S. DesVergnes, R.P.R., a
Notary Public within and for the Commonwealth
of Massachusetts, do hereby certify:

That LEONARD A. PEZZA, the witness whose
deposition is hereinbefore set forth, was duly
sworn by me and that such deposition is a true
record of the testimony given by the witness.

IN WITNESS WHEREOF, I have hereunto set
my hand and notarial seal this _____ day
of _____, 2005.

Alice M.S. DesVergnes
REGISTERED PROFESSIONAL REPORTER

My Commission Expires: October 18, 2007

THE FOREGOING CERTIFICATION OF THIS
TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION
OF THE SAME BY ANY MEANS UNLESS UNDER THE
DIRECT CONTROL AND/OR DIRECTION OF THE
CERTIFYING REPORTER.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Office of the Secretary of State

Matthew A. Brown, Secretary of State

Corporations Division
100 North Main Street
Providence, RI 02903-1355
401.222.5040

PROFIT CORPORATION ANNUAL REPORT FOR THE YEAR 2004

Filing Period: January 1 - March 1 • Filing Fee: \$50.00

(FORM MUST BE TYPED OR PRINTED IN BLACK)

| | | | | | |
|---|--------------|--|------------------------------------|--------------------|--------------|
| 1. Corporate ID No. 17865 | | 2. Name of Corporation C. PEZZA & SON, INC. | | | |
| 3. Street Address: Principal Business Office 100 Irons Avenue | | | City Johnston | State RI | Zip 02919 |
| 4. Business Phone No. (401) 231-6014 | | 5. State of Incorporation RHODE ISLAND | | 6. SIC Code 886 | |
| 7. Brief Description of the Character of Business Conducted in Rhode Island SITE EXCAVATION AND PAVING CONTRACTORS | | | | | |
| 8. NAMES AND ADDRESSES OF THE OFFICERS: ("X" BOX FOR ATTACHMENT) <input type="checkbox"/> FILL IN SPACES BEFORE USING ATTACHMENTS | | | | | |
| President Name Leonard Pezza | | | Vice President Name | | |
| Street Address 100 Irons Avenue | | | Street Address | | |
| City Johnston | State RI | Zip 02919 | City | State | Zip |
| Secretary Name Leonard Pezza | | | Treasurer Name Leonard Pezza | | |
| Street Address 100 Irons Avenue | | | Street Address 100 Irons Avenue | | |
| City Johnston | State RI | Zip 02919 | City Johnston | State RI | Zip 02919 |
| 9. NAMES AND ADDRESSES OF THE DIRECTORS: ("X" BOX FOR ATTACHMENT) <input type="checkbox"/> FILL IN SPACES BEFORE USING ATTACHMENTS | | | | | |
| Director Name | | | Director Name | | |
| Street Address | | | Street Address | | |
| City | State | Zip | City | State | Zip |
| Director Name | | | Director Name | | |
| Street Address | | | Street Address | | |
| City | State | Zip | City | State | Zip |
| 10. SHARES AUTHORIZED ("X" BOX FOR ATTACHMENT) <input type="checkbox"/> 11. SHARES ISSUED ("X" BOX FOR ATTACHMENT) <input type="checkbox"/> | | | | | |
| AUTHORIZED SHARES | | | ISSUED SHARES | | |
| Number of Shares | Class/Series | Par Value | Number of Shares | Class/Series | Par Value |
| 1,000 COMM NO PAR VALUE | | | 100 | N/A | NO PAR |

This report must be signed in ink by either the President, Vice President, Secretary, Assistant Secretary, Treasurer, Receiver or Trustee.



* 1 7 8 6 5 *

Under penalty of perjury, I declare and affirm that I have examined this report, including any accompanying schedules and statements, and that all statements contained herein are true and correct.

Signature of Officer

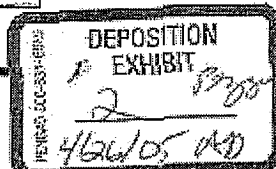
Date

Print or Type Name of Officer

Title of Officer

Form 630 Rev. 12/03

FILED
JUL 12 2004
By M37423
FOR SECRETARY OF STATE USE ONLY





STATE OF RHODE-ISLAND-AND-PROVIDENCE-PLANTATIONS

Office of the Secretary of State

Matthew A. Brown, Secretary of State

Corporations Division
100 North Main Street
Providence, RI 02903-1395
401 222 3000

PROFIT CORPORATION ANNUAL REPORT FOR THE YEAR 2004

Filing Period: January 1 - March 1 * Filing Fee: \$30.00

(FORM MUST BE TYPED OR PRINTED IN BLOCK)

| | | | |
|--|--------------|--|------------------|
| 1. Certificate ID No. 108143 | | 2. Name of Corporation Stamco Crete of Rhode Island, Inc. | |
| 3. Street Address Principal Business Office 100 Irons Avenue | | City Johnston | State RI |
| 4. Business Phone No. (401) 231-6014 | | 5. State of Incorporation RHODE ISLAND | 6. SIC Code 0 |
| 7. Brief Description of the Character of Business Conducted in Rhode Island TO PURCHASE CEMENT AND PROCESS IT SO AS TO MAKE CONCRETE; EXCAVATE AREAS WHERE CONCRETE IS TO BE BE POURED, SELLING AND OTHERWISE DEALING WITH CONCRETE AND RELATED SUBSTANCES | | | |
| 8. NAMES AND ADDRESSES OF THE OFFICERS: ("X" BOX FOR ATTACHMENT) [] FILL IN SPACES BEFORE USING ATTACHMENTS | | | |
| President Name Leonard A. Pezza | | Vice President Name Leonard A. Pezza | |
| Street Address 100 Irons Avenue | | Street Address 100 Irons Avenue | |
| City Johnston | State RI | Zip 02919 | City Johnston |
| Secretary Name Leonard A. Pezza | | Treasurer Name Leonard A. Pezza | |
| Street Address 100 Irons Avenue | | Street Address 100 Irons Avenue | |
| City Johnston | State RI | Zip 02919 | City Johnston |
| 9. NAMES AND ADDRESSES OF THE DIRECTORS: ("X" BOX FOR ATTACHMENT) [] FILL IN SPACES BEFORE USING ATTACHMENTS | | | |
| Director Name | | Director Name | |
| Street Address | | Street Address | |
| City | State | Zip | City |
| Director Name | | Director Name | |
| Street Address | | Street Address | |
| City | State | Zip | City |
| Director Name | | Director Name | |
| Street Address | | Street Address | |
| City | State | Zip | City |
| 10. SHARES AUTHORIZED ("X" BOX FOR ATTACHMENT) [] | | | |
| 11. SHARES ISSUED ("X" BOX FOR ATTACHMENT) [] | | | |
| AUTHORIZED SHARES | | ISSUED SHARES | |
| Number of Shares | Class/Series | Par Value | Number of Shares |
| 600 COMM NO PAR VALUE | | | Class/Series |
| | | 420 | Common |
| | | | No par value |

This report must be signed in ink by either the President, Vice President, Secretary, Assistant Secretary, Treasurer, Receiver or Trustee.



File Date: 5/12/04
Check No. 003206
By: [Signature]
FOR SECRETARY OF STATE USE ONLY

Under penalty of perjury, I declare and affirm that I have examined this report, including any accompanying schedules and statements, and that all statements contained herein are true and correct.

Signature of Officer

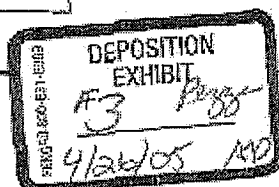
Leonard A. Pezza

Print or Type Name of Officer

President

Title of Officer

Form GSO Rev. 12-97





STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS
Office of the Secretary of State

Department of Justice, Secretary of State
Corporations Division
100 North Main Street, Providence, RI 02901-1535
401.222.3541

PROFIT CORPORATION ANNUAL REPORT FOR THE YEAR 2004

Filing Period: January 1 - March 1 • Filing Fee: \$50.00

(FORM MUST BE TYPED IN BLACK)

| | | | |
|---|---|--|---------------|
| 1. Corporate ID No. 132984 | | 2. Name of Corporation Stamped-Concrete, Inc. | |
| 3. Street Address Principal Business Office 54 Irons Ave. | | City Johnston | State R.I. |
| 4. Business Phone No. (401) 231-7033 | 5. State of Incorporation RHODE ISLAND | 6. SIC Code 0455 | |
| 7. Brief Description of the Character of Business Conducted in Rhode Island INSTALLATION OF CONCRETE SURFACES AND SELLING AND OTHERWISE DEALING WITH THE CONCRETE AND RELATED SUBSTANCES OF EVERY TYPE AND DESCRIPTION | | | |
| 8. NAMES AND ADDRESSES OF THE OFFICERS ("X" BOX FOR ATTACHMENT) <input type="checkbox"/> FILL IN SPACES BEFORE USING ATTACHMENTS | | | |
| President Name Leonard A. Pezza | | Vice President Name Office vacant | |
| Street Address 11 Winsor Ave. | | Street Address | |
| City Johnston | State R.I. | City | State |
| Zip 02919 | | Zip | |
| Secretary Name Leonard A. Pezza | | Treasurer Name Leonard A. Pezza | |
| Street Address 11 Winsor Ave. | | Street Address 11 Winsor Ave. | |
| City Johnston | State R.I. | City Johnston | State R.I. |
| Zip 02919 | | Zip 02919 | |
| 9. NAMES AND ADDRESSES OF THE DIRECTORS ("X" BOX FOR ATTACHMENT) <input type="checkbox"/> FILL IN SPACES BEFORE USING ATTACHMENTS | | | |
| Director Name None | | Director Name | |
| Street Address | | Street Address | |
| City | State | City | State |
| Zip | | Zip | |
| Director Name | | Director Name | |
| Street Address | | Street Address | |
| City | State | City | State |
| Zip | | Zip | |
| Director Name | | Director Name | |
| Street Address | | Street Address | |
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| Director Name | | Director Name | |
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| Director Name | | Director Name | |
| Street Address | | Street Address | |
| City | State | City | State |
| Zip | | Zip | |
| Director Name | | Director Name | |
| Street Address | | Street | |

This report must be signed in ink by either the President, Vice President, Secretary, Assistant Secretary, Treasurer, Receiver or Trustee



132984 DBC 01/20/04 12:27:08 PM

കുടുംബ വിഭാഗം

Check No. _____

Figure 1

FOR SECRETARY OF STATE USE ONLY

Under penalty of perjury, I declare and affirm that I have examined this report, including any accompanying schedules and statements, and that all statements contained herein are true and correct.

Director of Police

Feb. 2004

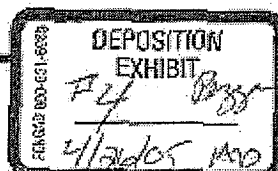
LEONARD A. PEZZA

[illegible]

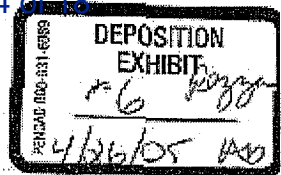
PRESIDENT

Title of Officer

Page 6301201



MS



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, as FUND MANAGER
of the NEW ENGLAND TEAMSTERS AND
TRUCKING INDUSTRY PENSION FUND

Plaintiff,

C.A. No. 02cv11815 NG

C. PEZZA & SON, INC.,

Defendant,

JUDGMENT

A default has been entered against C. Pezza & Son, Inc. on October 22, 2002 for failing to answer or otherwise defend.

Now, upon application and Declaration of Charles Langone demonstrating that Defendant owes Plaintiff the principal sum of \$41,376.27, underpayments and late payment charges in the sum of \$1,906.58, interest in the sum of \$1,087.44, liquidated damages in the sum of \$8,276.25, and attorneys' fees and costs in the sum of \$2,101.49; and that Defendant is not an infant or incompetent person or in the military service of the United States, it is hereby:

ORDERED, ADJUDGED AND DECREED that Plaintiff recover from C. Pezza & Son, Inc. the sum of \$54,862.42.

Plaintiff reserves its right to conduct an examination of defendant's payroll records and to collect such sums assessed pursuant to that audit which exceed the principal amount and interest stated above.

Dated: 11/27/2002

Deputy Clerk

[Signature]
USDJ

DOCKETED

9

500-7 1-1
R.H. 1705
RHODE ISLAND

Heavy Highway Construction

Agreement

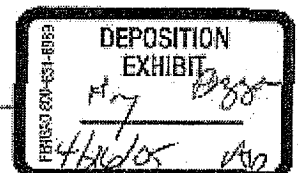
2000 - 2003

Teamsters

Local Union No. 251

affiliated with
Teamsters Joint Council No. 10
and
The International Brotherhood of Teamsters

Per Fox Business part date 6/5/02



Rhode Island Heavy Highway Construction

2000 - 2003

Teamsters Local Union No. 251

affiliated with

Teamsters Joint Council No. 10

and

The International Brotherhood of Teamsters

This Agreement made as of the first day of May, 2000 by and between the Construction Industries of Rhode Island, hereinafter called the "Association" on behalf of its members, and any Employer who becomes signator to this Agreement, each of which member is hereinafter designated as the employer, and Teamsters' Local Union No. 251, hereinafter designated as the "Union".

PREAMBLE

This Agreement is entered into to facilitate the adjustment of grievances and disputes between the Employer and Employees; to provide for the continuous employment of labor and to bring about stable conditions in the industry, and to establish necessary procedure for the amicable adjustment of disputes, including wages, hours and working conditions, which may arise between the Employer and Employees.

A notice in writing shall be given to the Local Union of any sale or transfer of the Employer's operation.

This Agreement shall be binding upon both parties, their heirs, successors, assigns and legal representatives, until terminated or amended as hereinafter provided.

For the purpose of preserving the level of benefits set forth in this Agreement, the Employer agrees to refrain from using the services of any person who does not observe at least the level of wages, hours and conditions of employment as established in this Agreement. This paragraph shall pertain only to sand, gravel, stone, asphalt, and ready mix concrete. It is understood by this Section that the parties hereto shall not use any leasing or subcontracting device to a third party to evade this Agreement.

ARTICLE I TERRITORIAL JURISDICTION

This Agreement shall apply to and be effective within the jurisdiction of Local Union No. 251.

ARTICLE II SCOPE OF EMPLOYMENT

(a) This Agreement shall apply to all highway and heavy construction performed by the Employer. For the purposes of this Agreement "Heavy and Highway Construction" shall include, but is not limited to, the construction of roads, streets, alleys, driveway, sidewalks, guard rails, fences, parkways, parking areas, airports, athletic fields, highway bridges, railroad bridges, railroad and street railway construction projects sewers, viaducts, shafts, tunnels, subways, truck elevations, elevation highways, drainage projects, reclamation projects, water supply projects, water power developments, marine work, transmission lines, duct lines, pipe lines, docks, dams, dikes, levees, revetments, channels, channel cutoffs, intakes, dredging projects, jetties, breakwaters, harbors, industrial sites, and all earth moving.

(b) Operation of trucks of all descriptions, including but not limited to snow plows, dump trucks, semi-dump trucks, low boy trailers, winch trucks, A-frame, distributor trucks, tank trucks used for transporting any type of fuel, water or cement, agitator trucks, mixer trucks, portable truck or trailer, forklift trucks when used in job site, warehouse and storage areas, cement hoppers, euclids, dumpsters, turnarocker, rock carriers, or similar equipment or equipment designated to be used for the performance of the work performed by the use of any of the above equipment as well as the maintenance of such equipment presently served by employees covered by this Agreement.

(c) The terms of this Agreement shall apply to the transportation of all building and excavating materials and equipment including, but not limited to, stone, salt, lumber, doors, windows, structural steel, bricks, cement blocks, sand, materials, removed from roads, solid asphalt materials, shovels, cranes, bulldozers, compressors and hoisting engines, fuel, water, plowing and removal of snow when done with equipment covered by this Agreement.

(d) Pick-up trucks, station wagons, panel trucks, shall be operated by Teamsters except when not primarily being used to haul parts, materials and equipment. Pick-up trucks, station wagons, panel trucks, that are primarily used to haul parts, material and equipment to a job site or job sites shall be construed as the vehicles whose fundamental basic assignment and use is for that purpose. Excluded from this category (primarily used) shall be pick-up trucks, station wagons, panel trucks, operated by supervisory personnel and maintenance mechanics and pick-up trucks, station wagons, panel trucks, used intermittently and occasionally for errands and emergencies. The collective use of pick-up trucks, station wagons, panel trucks, as a substitute, or used to circumvent the need and use of a flat rack or service truck that would be primarily used for hauling parts, materials and equipments shall be a violation of this provision.

(e) In the event that there shall be any dispute concerning jurisdiction regarding the assignment of work between the Union and any other Union of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, the same shall be submitted for determination to the Construction Division of the Joint Council of the International.

(f) All work heretofore recognized as being within the jurisdiction of the Union shall continue to be the jurisdiction of the Union notwithstanding any inconsistent provisions contained in other agreements executed by this Association.

(g) If a jurisdictional dispute arises, the Union agrees that such dispute shall first be submitted to the local business agent of the Crafts involved for settlement, and if no understanding or agreement is reached within forty eight (48) hours, it will be referred to the International Unions involved for settlement. If no agreement is reached on this level in five (5) days, the parties to the dispute may extend the period for settlement to another fixed date, mutually agreed upon. Pending such settlement, the craft performing the work at the time the dispute arises will continue in such capacity until settlement is reached as above provided, it being agreed that there shall be no stoppage or abandonment of work in regard to any jurisdictional dispute. Existing international jurisdictional agreements shall be respected by both parties.

ARTICLE III UNION MEMBERSHIP

(a) The Employer recognizes and acknowledges that the Union is the exclusive representative of all employees in the classifications of work covered by this Agreement for the purpose of collective bargaining as provided by the Labor Management Relations Act of 1947 as amended. The Employer shall not enter into any Agreement or Contract with his Employees, individually or collectively, or with any officer, which in any way conflicts with the terms and provisions of this Agreement. Any such Agreement or Contract shall be null and void.

(b) All present Employees who are members of the Union on the effective day of this Agreement shall remain members of the Union in good standing as a condition of employment.

(c) All present Employees who are not members of the Union and all employees who are hired hereafter shall become and remain members in good standing of the Union as a condition of employment on or after the eighth day following the effective date of this Agreement, whichever is the later, except as otherwise provided for by law.

(d) A member in good standing is one who is not in arrears in the payment of his initiation fee and periodic dues to the Union. In accordance with the Constitution of the Union, Article X, Section 5(c) all members paying periodic dues to the Union must pay them on or before the last business day of the current month in advance. The Local Union shall notify the Employer when any employee is not in good standing.

(e) There shall be no discrimination against any workman by reason of race, creed, color, religion, sex, age or national origin.

ARTICLE IV HOURS and OVERTIME:

(a) The regular work day shall consist of eight (8) hours between the hours of 7:00 a.m. and 4:30 p.m. All time before 7:00 a.m. shall be paid at time and one-half the hourly rate. No employee shall be sent home early to compensate for his being called in prior to 7:00 a.m. Any employee required to work through his one-half hour lunch and receiving no lunch break that day shall be guaranteed 1 1/2 hours pay for that day. The 1/2 hour lunch break shall commence between the fourth and fifth hour of work.

Employees are to be paid for all time worked from the yard or plant in traveling to any particular job site. Trucks parked on job sites - employees will be paid upon arriving at their scheduled time.

(b) The regular work week shall be forty (40) hours; eight (8) hours each day Monday through Friday. On Saturdays, drivers are to be guaranteed four (4) hours pay at the time and one half (1 1/2) rate and shall be paid the time and one half (1 1/2) rate for actual time worked over the four (4) hour minimum. On Sundays, drivers are to be guaranteed four (4) hours pay at the double time rate and shall be paid the double time rate for actual time worked over the four (4) hour minimum.

(c) All other hours worked except in the case of shifts as hereinafter provided shall be paid at the rate of time and one-half except that work performed on Sunday shall be paid at the rate of double time.

(d) Whenever more than one shift is employed, except as hereinafter provided, the straight time or regular rate of wages shall apply for each eight (8) hour shift, and work in excess of eight (8) consecutive hours on any shift shall be paid at the rate of time and one-half.

(e) When three (3) shifts are employed, the starting time shall be Monday 8:00 a.m., 4:00 p.m. and 12:00 a.m., respectively, and the last shift shall have completed a forty (40) hour week by 8:00 a.m. the following Saturday. All work between 8:00 a.m. Saturday and 8:00 a.m. on Sunday shall be paid for at the rate of time and one half and all work between 8:00 a.m. Sunday and 8:00 a.m. Monday shall be paid for at the rate of double time, provided it is on a three shift operation. Each shift shall include one-half hour period for lunch.

(f) Employees who report to work shall receive not less than eight (8) consecutive hours pay, except in the cases of inclement weather or mechanical failure that directly affects the driver involved where the employee will be guaranteed four (4) hours pay and eight (8) if he works after the fourth (4th) hour. Inclement weather shall be defined to mean raining, snowing, or extreme weather conditions where the prime contractor is not permitted to work the job site. An employee shall be paid from the time he leaves the garage or job site until the time he returns to the garage or job site.

In the months of January, February and March, Ready Mix Concrete Drivers who report to work shall receive not less than (4) consecutive hours pay, and shall be guaranteed six (6) hours pay if they work over four (4) hours and further shall be guaranteed eight (8) hours pay if they work over six (6) hours that day. On those days that the Ready Mix Concrete Driver does not work an eight (8) hour day, the Employer will guarantee eight (8) hours Health Services payments.

(g) Employees shall be notified the day before what time they are to report the following day. The starting time in any case is to be not later than 8:00 a.m. Employees who report for work shall receive not less than eight (8) straight time hours pay. In the case of inclement weather, an employee may be notified by telephone or telegraph not to report, at any time, up to two (2) hours before starting time.